

CITY OF HORSESHOE BAY, TEXAS

ORDINANCE NO. ORD 08-03-11A

**EXTENSION OF
TEMPORARY MORATORIUM ON NEW CONSTRUCTION
ZONE 13 & TRACT BBB-2A OF ZONE 14**

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS, EXTENDING THE TEMPORARY MORATORIUM SOLELY FOR ZONE 13 AND TRACT BBB-2A OF ZONE 14, WITHIN THE CITY LIMITS, SUCH MORATORIUM HAVING BEEN FIRST ADOPTED ON APRIL 27, 2006 BY ORDINANCE NO. ORD 06-04-27 AND SUBSEQUENTLY EXTENDED, WHICH PROVIDES FOR THE TEMPORARY SUSPENSION OF THE ACCEPTANCE, REVIEW AND APPROVAL OF SUBDIVISION PLATS, PLAT AMENDMENTS, REPLATS, SITE DEVELOPMENT PERMITS, AND REZONING REQUESTS FOR NEW CONSTRUCTION THEREIN FOR COMMERCIAL, RESORT, RECREATIONAL OR RESIDENTIAL PURPOSES; MAKING FINDINGS OF FACT, AND PROVIDING FOR SEVERABILITY; EFFECTIVE DATE; DURATION; ENFORCEMENT, INCLUDING CRIMINAL FINES AND CIVIL PENALTIES;

WHEREAS, by Ordinance No. ORD 06-04-27, adopted on April 27, 2006, the City Council established a temporary moratorium on the acceptance, review and approval of subdivision plats, plat amendments, replats, site development permits, and rezoning requests for new construction therein in order to protect the *status quo* in Zones 13 & 14; and

WHEREAS, said temporary moratorium was the subject of a public hearing on August 22, 2006, and was extended until December 27, 2006 by Ordinance No. ORD 06-08-22C; and

WHEREAS, said temporary moratorium was the subject of a public hearing on December 12, 2006, and was extended until April 26, 2007 by Ordinance No. ORD 06-12-12F; and

WHEREAS, said temporary moratorium was the subject of a public hearing on April 17, 2007, and was extended until August 24, 2007 by Ordinance No. ORD 07-04-17A; and

WHEREAS, said temporary moratorium was the subject of a public hearing on August 13, 2007, and was extended until December 11, 2007 by Ordinance No. ORD 07-08-13; and

WHEREAS, said temporary moratorium was the subject of a public hearing on December 11, 2007, and was extended until April 10, 2008, 2008 by Ordinance No. ORD 07-12-11A; and

WHEREAS, Tracts 1 through 14 of Zone 14 and two tracts of land known respectively as “Marina Village” (4.42 acres) and “Tract CCC” (3.19 acres) heretofore subject to the moratorium have been zoned and removed from the moratorium, leaving Tract BBB-2A in Zone 14; and

WHEREAS, the owners of Zone 13 and Tract BBB-2A in Zone 14 have requested extension of the temporary moratorium for a period of one year; and

WHEREAS, a public hearing was held on March 11, 2008 to consider whether such temporary moratorium should be extended, after which the City Council voted to extend the temporary moratorium for both Zone 13 and for Tract BBB-2A of Zone 14 for one (1) year, or until March 10, 2009;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:

I. FINDINGS OF FACT

The foregoing findings of fact are hereby approved and incorporated herein for all purposes.

Further, the City Council finds that:

(a) Zone 13, being the Cap Rock Zone, and Tract BBB-2A of Zone 14, the HSB Boulevard Corridor Zone, respectively, are unique zones within the City, being areas around which the community and City of Horseshoe Bay were founded, and being areas which the citizens of Horseshoe Bay hope to see develop in the high quality manner as they have heretofore developed;

(b) Zone 13 and Tract BBB-2A of Zone 14 are not subject to the restrictive covenants of any existing subdivision whereas the majority of the other zones within the City are subject to such restrictions, creating a perception that fewer safeguards exist to protect the high quality of development within those zones. The owners of Zone 13 and Tract BBB-2A of Zone 14 and the City have agreed since the inception of the temporary moratorium, and continue to agree that a Master Plan for the Zones is the best method to ensure quality of development;

(c) Zone 13, the Cap Rock Zone, is an unimproved property near the Caprock Clubhouse, and a multi-family project is being considered for this property. Tract BBB-2A of Zone 14, the HSB Boulevard Corridor Zone, is a vacant tract of land (legal description - Tract BBB-2A of Horseshoe Bay Plat No. 15.67, Llano County, Texas) at the northeast corner of Horseshoe Bay Blvd. and Hi Circle North. However, the plans for development in both Zones are still being determined and have not been finalized. The owners of the property in Zone 13 and Tract BBB-2A of 14 have assured the City that a Master Plan for development will be presented to the Council before March 10, 2009;

(d) Since enactment of the temporary moratorium the City Council has adopted a zoning ordinance, a building permit ordinance and a subdivision ordinance that applies to the entirety of the City. The City Council is prepared to enact a Zoning Amendment at this time for Zone 13 and Tract

(e) Representatives of the City Council have met and will continue to meet with principal developers and land owners in Zone 13 and Tract BBB-2A of Zone 14 to engage in discussions that may lead to development under a Master Plan acceptable to the City and the developers, which may include establishment of one or more Planned Development Districts, but developers and land owners need additional time to complete the Master Plan and present it to the City, so that the developers and owners of Zone 13 and Tract BBB-2A of Zone 14 consent to an additional extension of the temporary moratorium to apply to all of the remaining property in said zones; and

II. EXTENSION OF MORATORIUM

III. SEVERABILITY

CITY OF HORSESHOE BAY, TEXAS

/S/

Robert W. Lambert, Mayor

ATTEST:

/S/

Teresa L. Moore, City Secretary